

ORDINANCE NO. 7654

AN ORDINANCE TO AMEND THE AUGUSTA, GEORGIA CODE, TITLE 6, CHAPTER 2, ARTICLE 1, ALCOHOLIC BEVERAGES, SECTION 6-2-2 (d) DEFINITIONS, AND SECTION 6-2-27 ADULT ENTERTAINMENT ESTABLISHMENTS; SO AS TO PROVIDE THAT THE SELLING OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION IS ALLOWED IN ADULT ENTERTAINMENT ESTABLISHMENTS; TO REPEAL ALL CODE SECTIONS AND ORDINANCES AND PARTS OF CODE SECTIONS AND ORDINANCES IN CONFLICT HERewith; TO WAIVE THE SECOND READING; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

NOW, BE IT ORDAINED BY THE AUGUSTA, GEORGIA COMMISSION AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF SAME THAT THE AUGUSTA, GEORGIA ALCOHOL ORDINANCE IS AMENDED, AS FOLLOWS:

SECTION 1. Title 6, Chapter 2, Article 1, ALCOHOLIC BEVERAGES, Section 6-2-2 (d), is hereby amended by deleting this section in its entirety, AND new Section 6-2-2 (d) is hereby inserted to replace the repealed section as set forth in "Exhibit A" hereto.

SECTION 2. Title 6, Chapter 2, Article 1, ALCOHOLIC BEVERAGES, Section 6-2-27 (a)(b), is hereby amended by deleting this section in its entirety, AND new Section 6-2-27 (a) is hereby inserted to replace the repealed section as set forth in "Exhibit A" hereto.

SECTION 3. This ordinance shall become upon adoption.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted this 19th day of March, 2019.

Hardie Davis, Jr.
As its Mayor

Attest:

Lena J. Bonner
Lena J. Bonner, Clerk of Commission
Seal:

CERTIFICATION

Exhibit A

The undersigned Clerk of Commission, Lena J. Bonner, hereby certifies that the foregoing Ordinance was duly adopted by the Augusta, Georgia Commission on _____, 2019 and that such Ordinance has not been modified or rescinded as of the date hereof and the undersigned further certifies that attached hereto is a true copy of the Ordinance which was approved and adopted in the foregoing meeting(s).

Lena J. Bonner, Clerk of Commission

Published in the Augusta Chronicle.

Date: _____

WAIVE SECOND READING

"EXHIBIT A"

Sec. 6-2-2. Definitions.

The following are definitions of terms as used in this Chapter:

(d) *Bar/ Pub*: An established place of business which is licensed to sell alcoholic beverages for consumption on the premises and may serve meals to be consumed on the premises and which also may provide live entertainment ~~or contests involving strength or skill and may provide electronic games or pool tables~~, to include adult dancing establishment / erotic dance establishment as defined in the Augusta, Georgia Adult Entertainment Ordinance..

Sec. 6-2-27. Adult entertainment establishments.

(a) Findings; public purpose. Pursuant to the Constitutional Amendment, ratified on November 8, 1994, to Article III, Chapter VI of the Constitution of the State of Georgia, which amendment added a new Section VII to said article and delegated the State's power to regulate, restrict, or prohibit activities involving alcoholic beverages to the counties and municipalities of this State; and in recognition and reliance upon those certain studies, by the City of Austin, Texas and the City of Dallas, Texas, of the effects of adult entertainment establishments in which alcohol is consumed on the premises, which studies show that such establishments engender crime and create undesirable community conditions in the area surrounding them and which studies have previously been considered by the Board of Commissioners of Richmond County; It is hereby declared that the purpose of this section is to regulate certain types of businesses including, but not limited to, adult entertainment establishments, to the end that the many types of criminal activities and undesirable community conditions frequently engendered by such businesses will be curtailed. However, it is recognized that such regulation cannot de facto approach prohibition. Otherwise, a protected form of expression would vanish. As to adult dance establishments, this section represents a balancing of competing interests: reduced criminal activity and protection of the neighborhoods through the regulation of adult entertainment establishments and the protected rights of adult entertainment establishments and patrons.

— (b) Sale or consumption of alcohol prohibited. No holder of a license or business tax certificate for an adult entertainment establishment shall serve, sell, distribute or suffer the consumption or possession of any alcoholic beverage or controlled substance upon the premises of the licensee or business tax certificate holder; provided, however, nothing herein contained shall affect any vested rights.

(a) A business tax certificate holder for an adult dance establishment / erotic dance establishment that can be permitted under the guidelines of the Augusta, Georgia Adult Entertainment Ordinance, is eligible to apply for on-premise alcohol licenses; provided, however, nothing herein contained shall affect any vested rights.